




## DEPARTMENT OF MENTAL HEALTH POLICY/PROCEDURE

<b>SUBJECT</b> <b>VIOLENCE AND THREATS OF VIOLENCE BY DEPARTMENT OF MENTAL HEALTH EMPLOYEES</b>	<b>POLICY NO.</b> <b>605.4</b>	<b>EFFECTIVE DATE</b> <b>02/01/99</b>	<b>PAGE</b> <b>1 of 4</b>
<b>APPROVED BY:</b>  Director	<b>SUPERSEDES</b> <b>02/01/98</b>	<b>ORIGINAL ISSUE DATE</b> <b>02/01/98</b>	<b>DISTRIBUTION LEVEL(S)</b> <b>1, 3</b>

### **PURPOSE**

- 1.1 The purpose of this revision is to update Department of Mental Health (DMH) key information in Section 6.3.
- 1.2 To help ensure a safe and secure office environment for DMH employees and clients.
- 1.3 To establish guidelines and procedures for management responses to threats or acts of violence committed by DMH employees.

### **POLICY**

- 2.1 Violence and threats of violence are unacceptable under any conditions in DMH. Managers and supervisors are to treat all threats of violence as serious until proven otherwise.
- 2.2 Employee are prohibited from conducting themselves in any manner while on County property or in the performance of their duties which would constitute a threat to the safety or health of any individual, including themselves, or to the security of any employee, client, or County property.
- 2.3 Any employee who violates the intent of this policy or violates any of the prohibitions identified below is subject to warning, reprimand, suspension, reduction, and/or discharge and the actions identified by specific provisions.
- 2.4 Prohibited acts described in this policy which occur off County property, off duty, or outside work hours are also violations of the policy and subject the employee to disciplinary action when:
  - 2.4.1 They are a result of or in response to a job-related condition, statement, act or decision;  
or
  - 2.4.2 They are contrary to the legitimate interests and goals of the Department or County.
- 2.5 In responding to any situation described in this policy, managers and supervisors must be aware of the rights and privacy of employees. They are to act upon reasonable, trustworthy,



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and reliable evidence, used in the conduct of serious affairs, and not upon speculation, gossip, or stereotype.

### **VIOLENCE AND VIOLENT ACTS**

- 3.1 Except properly licensed and trained security personnel when fulfilling their assigned duties, an employee is subject to disciplinary action, including discharge, when he or she:
  - 3.1.1 Brings a weapon, including a gun, weapon-like object, or explosive onto County property;
  - 3.1.2 While on County property or on duty, fires a gun or rifle, or stabs or attempts to stab another individual with a knife, or threatens another individual with a gun, rifle, or knife. The employee may be immediately removed from the job as provided by the DMH policy on discipline (See DMH Policy 605.1) pending his or her discharge;
  - 3.1.3 Throws any object which could cause injury if it struck an individual or with the intent to harm an individual or which can be reasonably concluded under the circumstance to have been used or thrown with such intent;
  - 3.1.4 Uses or discharges mace, pepper spray, or similar substance, whether legally permitted in California or not, in a Departmental facility or while on the job. Those employees who are trained and/or licensed to use such substances and who carry them in the office or on the job should discuss their situation with the Departmental Safety Officer and with their managers.
- 3.2 Except properly licensed and trained security personnel fulfilling their assigned duties, employees may not hit, slap, choke, kick, trip, pull hair, or scratch another employee, client, or member of the public while performing their duties, on County property, or during work hours.
- 3.3 Employees may not fight or cause a fight on County property, or while performing their duties, or during work hours. This includes, but is not limited to, initiating a fight or uttering provocative words, such as epithets or slurs, which result in a fight, or continuing to fight despite a clear opportunity to end it.
- 3.4 Acts of violence against the property of the County or a County employee are also prohibited.

### **THREATS OF VIOLENCE**



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- 4.1 Employees are prohibited, while on duty or on County property, from threatening violence or intimidating violence.
- 4.2 Threats of violence include, but are not limited to:
  - 4.2.1 Using or brandishing any object in such a way or under such circumstance that it can be reasonably concluded that it is a weapon;
  - 4.2.2 Uttering words threatening violence or which can be reasonably concluded under the circumstance to be a threat of violence;
  - 4.2.3 Making any statement, including a “bomb threat,” sign, or physical gesture which is intended to induce a fear of violence or which can be reasonably concluded under the circumstance to be an attempt to induce a fear of violence.
- 4.3 Threats of violence against County property or the property of any County employee are also prohibited.
- 4.4 Any employee whose conduct or presence on the job demonstrates a significant, immediate threat to the health, safety or well-being of another individual in the office may be immediately removed or reassigned from the office or suspended without pay pending investigation of the facts and determination of appropriate discipline, if any.

### **REPORTING THREATS AND ACTS/ IMMEDIATE MANAGERIAL RESPONSE**

- 5.1 Any employee who observes or becomes aware of any of the above listed prohibited actions or behaviors by another employee is to immediately notify a DMH manager or supervisor. A Security Incident Report (SIR) may also need to be completed.
- 5.2 The supervisor or manager who observes, is aware of, or receives a complaint or report of any act or threat of violence by an employee must take the following steps:
  - 5.2.1 If a violent incident is in progress or has already occurred, contact the on-site security officer, local law enforcement, and paramedics as the situation dictates. Remain on-site to liaison with help agents.
  - 5.2.2 Notify Human Resources Bureau immediately.
    - 5.2.2.1 The purpose of notification is to determine jointly with Human Resources staff the immediate, appropriate personnel-related actions. If the



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manager is not in the employee's chain of command, Human Resources will notify the appropriate manager.

- 5.2.3 Other immediate actions available, pending completion of an investigation, may include reassigning the employee to another area of the office or another office, requesting consultation intervention by the County Office of Security Management, or suspending the employee without pay pending results of the investigation.
- 5.2.4 Assure all individuals that management will consider their concerns and take any appropriate action to address the issue.

### **FOLLOW-UP ACTION**

- 6.1 Human Resources Bureau staff and line management will conduct a joint investigation obtaining complete, written statements from the principals and any witnesses.
- 6.2 Management, in consultation with Human Resources staff, will determine, after reviewing all of the relevant information, whether there was in fact an act or threat of violence, and, if so, what additional personnel related steps need to be taken.
- 6.3 Assessments will need to be made by managers, Human Resources Bureau staff and the Safety Officer, in some circumstances, of whether a police report needs to be filed; whether intended victims of a threat should be warned; if the Department should seek a temporary restraining order; and/or whether any "stress debriefing" of staff needs to occur.
  - 6.3.1 Ongoing safety and security arrangements may also need to be assessed by management.

**NOTE** See also DMH Policy #308.1, "Security/Safety Management/Violence Prevention"

### **AUTHORITY**

Workplace Violence Safety Act of 1994